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SENSITIVE

DEPT G/TIP FOR: SALLY NEUMANN; NEA/RA: JOHN MENARD

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SUBJECT: ISRAEL: FIFTH ANNUAL TRAFFICKING IN PERSONS REPORT
(3 OF 3)

REF: SECSTATE 273089

1. (SBU) This is the third part of a three-part message responding to refTel. Embassy point of contact is Jenifer Joyce, telephone number (972)(3) 519-7437, fax number (972)(3) 519-7484.

Protection and Assistance to Victims

A. Does the government assist victims, for example, by providing temporary to permanent residency status, relief from deportation, shelter and access to legal, medical and psychological services?

-- Sex Trafficking: On February 15, 2004 the government opened in Tel Aviv the first shelter for trafficking victims, established with funding from the U.S. government. The shelter's maximum capacity is 50 persons. The government reported that, as of January 3, 2005, 45 women and one child were housed in the shelter. A steering committee for the shelter makes decisions on matters of policy and practice, and includes representatives from the Ministry of Social Affairs, police, Ministry of Public Security, Ministry of Justice, Ministry of Health, and the NGO Keshet, as well as the director of the shelter. The Ministry of Public Security is in charge of guarding the shelter, providing protection for the women and accompanying them to court proceedings and District Attorneys' offices. All women residing in the shelter receive legal, medical and psychological services. All victims residing in the shelter are entitled to receive temporary visas for their stay. These visas are issued according to a procedure requiring the cooperation of the Ministry of Justice and the Ministry of the Interior. The memorandum of agreement between the U.S. and Israeli governments provides that a "preference" be given to women who agree to testify against their traffickers, but police say they transfer to the shelter only those women who agree to testify. A GOI official, however, said that some women who had not agreed to testify, but who represented particularly compelling humanitarian cases, were transferred to the shelter.

The Ministry of Interior, in cooperation with the Ministry of Industry, Trade and Labor, has established a system of issuing work permits to trafficking victims residing in the shelter without limiting them to a specific job or field. This system is not available to trafficking victims who do not reside in the shelter. Medical care is financed by the Ministry of Health and provided by a physician at the shelter and at Ichilov Hospital. The country does not have specific victim care and victim health care facilities.

-- Labor Trafficking: Foreign Workers, including any who have been trafficked, may be given a temporary stay of deportation if they have a complaint pending before the Crime Unit of the Immigration Administration, and they are released for employment purposes if they are testifying against a trafficker or employer who is being prosecuted. Although such legal protections are in place, the government provides no shelter, psychological or medical services for such foreign workers.

B. Does the government provide funding or other forms of support to foreign or domestic NGOs for services to victims?

Currently, the government provides no funding or other support to foreign or domestic NGOs for provision of services to victims. Prior to the opening of the shelter for victims of trafficking in February 2004, police housed witnesses in police-funded hostels, but police sources say they have stopped this program and now send all witnesses who are trafficking victims for the purpose of prostitution to the shelter in Tel Aviv.

C. Is there a screening and referral process in place, when appropriate, to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to NGOs that provide short or long-term care?

NGO representatives are given access to detention facilities, where they can assist victims. Any detained foreign national undergoes several screening and monitoring procedures. The detainee is interviewed in the detention facility by a police officer and has a hearing before a representative of the Ministry of the Interior, but NGOs claim that interpreters are not always provided and the hearings are frequently conducted in Hebrew. At the detention facility, a detainee is interviewed by the detention facility officer to ensure that he/she has valid travel documents, as well as by an inspector of the Ministry of Industry, Trade and Labor to determine whether he/she is owed money and to facilitate collection of that money. In the case of minors staying in Israel illegally, the Immigration Authority refers them to NGOs or local social services for assistance and does not detain them. Such procedures apply equally to TIP victims for prostitution or sexual exploitation and for labor, as both types of victims are frequently housed in the same detention centers. NGOs aver that while these hearings are systematically conducted, the interviewers do not receive training on TIP and do not refer victims who have health or other problems for follow-up. Victims are also not always referred to police officers, who could investigate the trafficking charges and obtain information from the victims before they are deported, according to NGOs.

1D. Are the rights of victims respected, or are victims also treated as criminals? Are victims detained, jailed or deported?

NGOs report that victims of trafficking are often treated as illegal foreign workers and detained in facilities for illegal foreign workers and/or deported quickly. They are not, however, indicted or prosecuted as criminals. The GOI acknowledges that some victims of trafficking are not identified as such and are deported.

-- Sex trafficking: Many sex trafficking victims are deported soon after discovery, unless the victim is willing to testify against her traffickers, according to GOI and NGO sources. Sex trafficking victims who are willing to testify against their traffickers are released from detention (where most victims are held, pending deportation), housed in the trafficking victims' shelter, and provided full board and pocket money. The government says that during 2004, 108 women identified as victims of trafficking for prostitution were transferred to the shelter. The police sent the majority of these women directly to the shelter upon discovering them as a result of police investigations, e.g., during raids on brothels. The government reported that 40 of these women were transferred to the shelter from detention facilities run by the Immigration Administration. The government says that some women identified by NGOs as special humanitarian cases were also referred to the shelter, even if they did not agree to testify.

-- Labor trafficking: Most labor trafficking victims are deported for violations of immigration laws, but are not prosecuted. In most cases, according to GOI and NGO contacts, the government subsidizes the workers' airline tickets home. If the worker files a criminal complaint against an employer in which he or she must testify, that worker may be generally released and allowed to work temporarily pending conclusion of the trial, according to the GOI. NGO contacts aver that this rarely happens. More typically, they say, the worker is either detained pending conclusion of the trial or is deported so quickly that he/she does not have an opportunity to testify.

-- Are victims fined?

Victims are not fined, according to both NGOs and the government.

-- Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

Victims may be detained and deported for violating immigration laws, but are not prosecuted. Prostitution is not specifically prohibited by law, although the activities surrounding prostitution are illegal. Victims of trafficking for prostitution are not prosecuted.

1E. Does the government encourage victims to assist in the investigation and prosecution of trafficking?

Police say that they often try to convince victims to testify. NGOs say, however, that the police often fail to identify many trafficking victims as such, with the result that most trafficking victims are deported before they are given the chance to testify, and valuable information is permanently lost. The police reported that 904 foreign women were detained on charges of prostitution in 2004, and that 796 women picked up for prostitution were deported in 2004 without testifying. (Note: Available data does not indicate in what year those women deported from the country were

actually detained on charges of prostitution.) During 2004, 108 victims testified, as compared to 81 victims who testified in 2003. NGOs claim that many trafficking victims are deterred from cooperating with the investigation and prosecution of trafficking because if they agree to testify, they must often wait in detention (for victims of labor trafficking) or in the shelter (for victims of sex trafficking) until the conclusion of legal proceedings.

-- Can victims file civil suits or seek legal action against the traffickers?

As a matter of law and policy, victims have the right to initiate civil suits against traffickers. These include suits filed in labor courts for violations of labor law and civil suits regarding violations of contracts and torts. NGOs, however, say that victims who seek legal action face obstacles. Many victims do not have access to legal representation and therefore do not know about their options to file suit. The necessity of remaining in Israel to conclude such a lawsuit deters many from filing an action in the first place.

One NGO reported that no civil suit brought by a victim of sex-related trafficking has been carried through to a judgment, although several are pending. Criminal courts, however, reportedly have awarded financial compensation to victims in sex trafficking cases.

The Kav La Oved NGO reported that it has provided legal representation to labor trafficking victims and other foreign workers who have suffered physical or economic abuse at the hands of employers. Its representatives claim to have won cases for about 300 foreign workers a year in recent years, with judgments for all their clients combined totaling \$500,000 to \$1 million a year.

-- Does anyone impede the victims' access to such legal redress?

No, although NGOs point out that many victims are deported before they have the opportunity to seek legal redress.

-- If a victim is a material witness in a court case against the former employer, is the victim permitted to obtain other employment or to leave the country?

Victims who are material witnesses in court cases receive visa extensions from the Interior Ministry and are permitted, in some instances, to obtain other employment, although NGOs say these are rare occurrences. The lawyer for that worker/witness must appeal for an administrative ruling to allow the worker to seek other employment. These cases are decided on a case-by-case basis, and take into account the length of time the worker has been in country and will need to stay to complete his/her testimony. If the worker leaves the country, he/she will need to re-enter the country with a valid visa, which deters most victims from leaving or, if they do, from returning.

-- Is there a victim restitution program?

No government-run victim restitution program exists, but victims may seek redress in the court system.

1F. What kind of protection is the government able to provide for victims and witnesses? Does it provide these protections in practice?

The police report that they provide physical and legal protection to approximately 100 witnesses in trafficking cases per year. On July 25, 2002, the State Attorney and the Commissioner of Police appointed an Inter-Ministerial Committee, headed by the former District Attorney of Jerusalem, to develop a witness protection plan. Although the Inter-Ministerial Committee issued a recommendation in September 2004 that the government establish an authority to protect witnesses, the lack of financial resources has prevented it from coming to fruition, according to the GOI.

-- How many shelters does the government run or fund (in full or in part)?

The government runs one 50-bed shelter for victims of trafficking for prostitution. The government does not have a comparable shelter for victims of labor trafficking. Prior to the opening of the shelter for victims of trafficking in February 2004, police housed witnesses in police-funded hostels, but police sources say they have stopped doing this and now send all witnesses who are trafficking victims for the purpose of prostitution to the shelter in Tel Aviv.

1G. Does the government provide any specialized training for government officials in recognizing trafficking and in the provision of assistance to trafficked victims, including the special needs of trafficked children?

Yes, inspectors of the Enforcement Division of the Ministry of Industry, Trade and Labor are given general investigative skills training and specific training concerning the enforcement of labor laws. Attorneys from the Ministry of Industry, Trade, and Labor and the Ministry of Justice carried out two workshops in 2004 for inspectors of the Enforcement Division dealing with techniques for identifying serious infringement of foreign workers' rights and cases of trafficking in persons, as well as the special steps to be taken in such cases. The police also conducted several workshops and lectures. Guest speakers delivered 20 lectures on trafficking to police in 2004. A workshop focused on the trafficking of women was held February 15-19, and another one on August 1-5, 2004, for investigators in governmental departments that investigate trafficking cases. No specialized training exists regarding trafficked children, as no evidence exists of such trafficking in Israel. NGOs say that inspectors with the Ministry of Trade, Industry and Labor are doing a better job than in previous years at investigating allegations of trafficking and labor law violations, and that the training they receive is adequate. NGO representatives charge, however, that the Ministry has too few inspectors, and that not all of them receive the trafficking training.

-- Does the government provide training on protection and assistance to its embassies and consulates in foreign countries that are destination or transit countries?

Israel is a destination country, not a source country. In source countries, the Ministry of Foreign Affairs has begun an informational campaign to distribute informational brochures to potential victims of trafficking. Israeli embassy and consulate staff distribute these informational brochures to visa applicants whom they suspect might become trafficking victims.

-- Does it urge those embassies and consulates to develop ongoing relationships with NGOs that serve trafficked victims?

Currently, there are no efforts to develop such relationships with trafficking NGOs in source countries, according to government and NGO contacts.

1H. Does the government provide assistance, such as medical aid, shelter or financial help, to its repatriated nationals who are victims of trafficking?

Israel is not a source country for TIP, so it does not have any repatriated nationals who are victims of trafficking.

1I. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities ?

The International Organization for Migration (IOM) and the American Jewish Joint Distribution Committee (AJJDC) have been actively involved in anti-trafficking activities. The AJJDC has given courses to victims/residents in the trafficking victims' shelter in Tel Aviv. Its representatives have also met with NGOs to define the programs necessary to combat trafficking. The Hotline for Migrant Workers provides assistance to victims in several areas: legal representation and counseling, assisting in coordinating their return to their countries of origin, aiding the victims to receive medical services, providing books and clothing, and maintaining consistent contact with the police and the Ministry of Justice. The NGO "Isha Laisha" (Woman to Woman) has continued its role in the north of Israel, providing assistance to victims there and alerting government agencies regarding special problems. Kav La Oved has been very active, particularly in helping trafficking victims for labor from China, by providing translation services and legal assistance.

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